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7590 HUNTON & WILLIAMS Suite 1200 1900 K Street, N.W. Washington, DC 20006-1109		09/18/2007	EXAMINER ROBERTSON, DAVID	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/830,115

Applicant(s)

ECKART ET AL.

Examiner

Dave Robertson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,13,15-25,27-33,35-42,44,46-55,57-63 and 100-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63 and 100-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/21/07 and 3/8/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is Final Office Action over pending claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63 and 100-102.

Response to Amendment

2. Applicant's amends claims 1, 3, 7, 8, 12, 13, 16, 21, 24, 28, 30, 33, 35-42, 44, 47, 52, 55, 57 and 100-102 and cancels claims 2, 11, 14, 26, 34, 43, 45, 56 and 64-99; Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63 and 100-102 remain pending.
3. Applicant amends independent claims 1, 33, 55, and 100-102 to more distinctly claim the elements of mapping of the one or more performance classifications from a first set of classifications to a second set of performance classifications, now reciting the mapping as being performed using a conversion map associated with the business, the conversion map defining a correspondence between performance classifications. The limitation as now claimed had not previously been presented in the claims.

The limitation is defined and finds support in the original disclosure as describing a process that "implements a map or other data structure which represents a correlation between a user-defined performance classification (e.g., a user-defined financial account or operational classification) of the business performance information 106 in its original format and a corresponding performance 15 classification (e.g., a standard financial account or operational classification) of the standard format." (Specification, pages 15-16).

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4. Applicant amends the independent claims to overcome rejections under 35 USC 112, first paragraph, with regard to "generally accepted accounting principles."

Limitations containing the phrase having been removed, the rejections on this point are withdrawn.

5. Applicant also amends various dependent claims with regard to providing performance reports as electronic reports to requesting parties.

Response to Arguments

6. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection. With respect to arguments applicable to the claims as currently presented:

7. Applicant traverses rejection of claims under 35 USC 112, second paragraph, with regard to the phrase trial balance as being a term of the art referring to an old and well known accounting worksheet in which debits are matched against credits and thus balanced, one of a variety of performance reporting formats encompassed by the invention as disclosed.

Examiner agrees and the rejection is withdrawn.

8. Applicant traverses the rejection of all claims under 35 USC 103(a) as obvious over Smith II et al (US 6,850,643). Applicant argues Smith II fails to teach a *conversion map associated with the business, the conversion map defining a correspondence between performance classifications*, particularly pointing out that the methods of Smith II are not based on a map representing a correlation between a set of user-defined

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performance classifications and a set of standard classifications. Applicant argues Smith II uses a report format-based mapping/translation process rather than a conversion map defining a correspondence between performance classifications.

Examiner agrees: Whereas Smith II defines a mapping between performance information produced in one report format to performance information in a second standard format, Smith II fails to teach or suggest a conversion map defining a correspondence between performance *classifications*, performance classifications as defined by the specification as *user-defined financial account or operational classifications*.

The newly presented limitation is addressed in the rejections to follow.

9. Applicant does not address the prior *Response to 37 CFR 1.132 Declarations* in the last office action, which found insufficient declarations made to overcome Smith II. However, new rejections to follow (not over Smith II) render the prior declarations and findings therefrom moot.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 10, 12, 24, 25, 30, 36-38, 47, and 102 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10, 12, 30, and 102 each recite steps for performing the *obtaining* and *delivering* performance information via a website; and (as in claim 102), *electronically receiving...over the Internet*; however, none of the claims positively recites how or by what act or agent the obtaining or delivering is performed. A *website* is a combination of server hardware and software programs accessing databases for presenting, obtaining or transmitting information using a variety of methods, including the exchange of information with or without user interaction and by variety of information transfer means (e.g. ftp, client/server, object-request broker, etc.). Broadly, obtaining and delivering information *via a website* (or *over the Internet*) encompasses obtaining and delivering information by way of a wide-area network, commonly the internet, but also including local area networks using similar technology (e.g. intranets).

Claim 24 recites *obtaining a trial balance report...the performance information originating from an accounting system..., as an electronic data file uploaded via a graphical user interface (GUI)*. It is unclear how an electronic data file is uploaded via a graphical user interface. While one could infer a step of (a user) uploading an electronic data file containing performance information, the user interacting with the GUI to initiate the transfer, without reading more into the claim than is expressly recited the claim itself does not clearly proscribe such a step. Claim 25 (which depends from claim 24) recites *wherein the GUI includes one or more webpages of a website*. Again, as in claim 24, in the context of the method, the claim does not provide a step to include a user initiating a transfer of a data file, regardless of whether the user interface is a webpage or other form of GUI.

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Because it would be improper to import a method step for which none is clearly recited, and because claims 10, 12, 24, 30, and 102 are indefinite with respect to how a data file is unloaded *via a GUI* or *via a website*, or how a performance report is delivered *via a website*, for the purposes of examination the particular means for the *obtaining* and *delivering* will be given their broadest interpretation pending clarification of the claims by amendment.

Claim 30 recites *the method as in claim 24...delivering...via the website*, however, there is no antecedent basis for *the website* in claim 24. Claim 24 recites a GUI but does not recite a website.

Claims 36-38 and 47 depend from claim 33, each referring to a *predetermined value*, however, there is no antecedent basis for a *predetermined value* in claim 33. Claim 33 recites a *performance report/alert generation module*, but does not recite a predetermined value. Examiner notes that claim 35 appears to have the antecedent basis for the claims, and will proceed, for examination purposes, as if claims 36-38 were meant to depend from claim 35. Amendment is requested.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 33, 35-37, 42, 44, 46-49, 51-54, and 101 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (US Pat. 6,513,019).

Lewis teaches an automated, web-based, online system for obtaining, converting, analyzing, and reporting business performance information from one or more businesses, converting the performance information to standardized performance classifications, and from the converted performance information, calculating performance metrics on which a variety of *alerts* based on performance thresholds are produced and communicated to the requesting party.

Specifically, with respect to the claims of the present invention:

Claim 33

Lewis teaches a network-based performance information management system for automated management of performance information associated with at least one private business (see Summary of Invention; Claim 1), including

a performance information receipt module that receives performance information uploads in the form of an electronic data file containing business performance

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information associated with a business performance information (see Figure Items 100 and 112, respectively, the "Interface Transformation Server" and the "Customer/Counterparty Information Server", both receiving performance information in the form of electronic information, the former receiving electronic data on a transaction/message basis and the latter expressly receiving transaction/message data and as "legacy data files" at column 19 line 43), the performance information having a first format based on a first set of performance classifications (see from column 13, line 61 to column 14, line 47);

a mapping module, including a map database, that converts the performance information from the first format to a second standardized format based at least in part on a mapping between one or more performance classifications of the first set of performance classifications, and one or more performance classifications of a second set of performance classifications, the mapping maintained in the map database (see column 14 from line 1, the system performing business rules from a business rule database against data from disparate sources into standardized business objects representing standard performance classifications);

a database module for storing the converted information with information associated with at least one other business thereby creating a standardized database of private company performance information (see Figure 1 Item 115 and related discussion, the database storing accumulated, standardized data on one or more businesses);

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an analysis module for analyzing the converted performance information based at least in part on one or more performance metrics (see numerous analysis modules at Figure 1 Items 150 and related discussion); and

a performance report/alert generation module for generating at least one performance report based on results of the analysis module, the performance report/alert generation module providing the at least one performance report to at least one requesting party (see Figure 1 Item 190, the "Reporting Engine" and related discussion, esp. column 22 from line 7).

Claim 35

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

Claims 36 and 37

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a "target value" set for the performance metric).

Claims 42 and 44

Lewis teaches a performance report/alert generation module includes a website (having webpages) adapted to receive the performance information (see Figure 1 Item 120 and discussion throughout).

Claim 46

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 47

Lewis teaches the performance report/alert module includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric, that is set by the requesting party (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system; especially column 16 line 4).

Claim 48 and 49

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

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users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 51

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 52

Lewis teaches delivering a portion of the converted performance information to at least one requesting part as one or more data files having a format compatible with software operated by the requesting party (see column 17 from line 42, sending data to user in an XML file or in a format compatible with the requestors legacy application).

Claim 53

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 54

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claim 101 recites a system substantially identical to claim 35, and is similarly rejected for reasons given above.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 38 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US Pat. 6,513,019) as applied above to claims 35 and 47, respectively.

Lewis teaches claims 35 and 47 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric*.

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of company stock prices for the industry or sector. Such comparison is known to provide a measure of the relative performance of a company to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least "technical indicators"

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(Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or below peer stocks in the industry, thereby indicating to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, and alerting the user to an opportunity for gain or loss in the particular stock apart from any fluctuation common to the industry or sector, for example, seasonal variation.

15. Claims 1, 3-10, 12, 13, 15-25, 27-32, 39-41, 55, 57-63, 100 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US Pat. 6,513,019) in view of MaGuire, III et al (US Pat. Pub. 2004/0059651).

Lewis teaches automated methods of an Internet-based system for obtaining, converting, analyzing, and reporting business performance information from one or more businesses, converting the performance information to standardized performance classifications, and from the converted performance information, calculating performance metrics on which a variety of *alerts* produced and communicated to the requesting party.

MaGuire discloses automated methods of a financial reporting system for generating financial reports from financial applications and accounting systems having different accounting standards and formats. MaGuire describes a system which

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incorporates the Oracle Financial Statement Generator™ and NEON™, two commercial packages which translate financial information from disparate accounting systems using a table-based conversion map, in a system which reports on financial performance of firms or divisions using different national accounting standards.

Specifically, with respect to the claims of the present invention:

Claim 1

Lewis teaches an automated method for management and standardization of performance information associated with at least one business (see Summary of Invention; especially Claim 1) including:

obtaining performance information associated with a business (see Figure Items 100 and 112, respectively, the "Interface Transformation Server" and the "Customer/Counterparty Information Server", both receiving performance information in the form of electronic information, the former receiving electronic data on a transaction/message basis and the latter expressly receiving transaction/message data and as "legacy data files" at column 19 line 43), the performance information originating from an accounting system used by the business (column 19 from line 37), the performance information having a first format based on a first set of performance classifications (column 14 from line 56: the chart of accounts of the business);

converting, using automated processing from the first format to a second standardized format, the performance information (see column 14 from line 1, the system performing business rules from a business rule database against data from

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disparate sources into standardized business objects representing standard performance classifications);

aggregating the converted performance information with performance information associated with at least one other business (see Figure 1 Item 115 and related discussion, the database storing accumulated, standardized data on one or more businesses);

analyzing the converted performance information associated with the business based in part on one or more performance metrics (see numerous analysis modules at Figure 1 Items 150 and related discussion);

generating at least one electronic report based on the results of the analyzing and automatically providing at least a portion of the electronic report to at least one requesting party (see Figure 1 Item 190, the "Reporting Engine" and related discussion, esp. column 22 from line 7).

However, Lewis does not expressly teach *obtaining the performance information associated with a business from a trial balance report*, and does not expressly teach *converting... based at least in part on a conversion map associated with the business, the conversion defining a correspondence between one or more performance classifications of the first set...to one or more respective classifications of the second set.*

With regard to obtaining performance information from a trial balance report, Lewis further teaches obtaining performance information through the Customer/Counterparty Information Server from "typical sources" such as legacy customer or counterparty data files (see column 19 from line 37) the information represented by a ledger-based accounting system (i.e. financial accounting information in terms of debit and credit accounts), and expressly discloses information in accounts classified by a chart of accounts (see column 14 line 57).

MaGuire expressly teaches obtaining performance information represented by performance classifications from financial statements produced in accordance with generally accepted accounting principles (GAAP), and expressly discloses reclassifying and grouping applicable financial *accounts* to handle GAAP conversion items such as certain *balance-sheet* items. A balance-sheet is known in the art as a form of *trial balance*.

It would have been obvious to one of ordinary skill in the art at the time of invention that the performance information contained in a trial balance report is substantially anticipated by the financial accounting information described by Lewis as obtained from financial accounting system of the Customer/Counterparty, information in the form of ledgers with accounts' classification given by the chart of accounts (see, again, column 14 line 57 and column 19 from line 37). Obtaining performance information from a *trial balance report containing performance information associated with a business*, and the obtaining of performance information associated with a business as in Lewis, would have the equivalent effect of obtaining from a trial balance

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report the performance (accounting) information on the business, with the effect and advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business' own ledger-based accounting.

With regard to *converting... based at least in part on a conversion map associated with the business*, MaGuire expressly teaches converting, using automated processing from the first format to a second standardized format (see ¶ [0023]) based at least in part on a conversion map associated with the business (e.g. the mapping from JP GAAP to US GAAP performed as described in [0029] using an "interface table of a general ledger application", the conversion defining a correspondence between one or more performance classifications of the first set...to one or more respective classifications of the second set (see full discussion of the Conversion Engine, from ¶ [0023-0029]; see also from [0036])).

Given Lewis teaching of obtaining financial accounting information in the form of ledgers with account classification given by a chart of accounts (see column 14 line 57 and column 19 from line 37), although not expressly providing details on how the business rules stored in database tables (see column 6 from line 7) would be applied to convert customer and counterparty data to standard set of performance classifications, it would have been obvious to one of ordinary skill in the art at the time of invention to apply a conversion map process as in MaGuire to convert accounting information for one business under one set chart of accounts, to a standard chart of accounts, for

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consolidating financial accounting information, with the advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business' own ledger-based accounting. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 3

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

Claims 4 and 5

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a "target value" set for the performance metric).

Claim 6

Lewis teaches or suggests claim 3 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least "technical indicators" (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the

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industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 7

Claim 7 substantially recites method steps of claim 1, repeating the process of claim 1 for a *second business*; that is, the *obtaining, converting, aggregating and analyzing* of performance information is performed on performance information in performance classifications converted from a *third set* of performance classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 1 as above, including performing the obtaining, converting, aggregating, and analyzing for a *second business* (see at least column 2 from line 10 "Consolidation" and "Integration"); however Lewis does not *expressly* teach the converting of performance classifications a second business in a *third format*, converting the performance information to a standard format (the *second* format of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade finance, etc. to consolidate financial information of other businesses at a commercial lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking information from different branches, departments, countries, and *customers* (customer financial information constitutes performance information from a *second business* potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 8

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 9

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted performance information is inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 10 and 12

Lewis teaches obtaining performance information and providing electronic reports via a website (see Figure 1 Item 120 and discussion throughout).

Claim 13

Lewis teaches the conversion of the performance information is performed at least in part using one or more software programs (see column 9 from line 16, the "Accounting Information Server" is part software program).

Claim 15

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 16

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

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Claims 17 and 18

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 19

Lewis teaches claim 16 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric*.

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1); it would have been obvious to one of ordinary skill in the art at the time of

invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 20

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 21

Lewis teaches delivering a portion of the converted performance information to at least one requesting part as one or more data files having a format compatible with software operated by the requesting party (see column 17 from line 42, sending data to user in an XML file or in a format compatible with the requestors legacy application).

Claim 22

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 23

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claims 24 and 25 recite methods substantially identical to claim 1, and are rejected similarly for reasons given above. With regard to the *electronic data file uploaded via the GUI* see the interpretation taken on *via the GUI* in section Rejections under 112, 2nd paragraph, above and further, in Lewis Figure 1 Items 140 “thin clients” and 120 “web server” and related discussion on uploading data to the system).

Claim 27

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 28

Lewis teaches at least one performance report includes at least one alert to the requesting party, identifying at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to

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users when a limit has been exceeded on performance information received and converted into the system).

Claim 29

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 30

Lewis teaches delivering at least a portion of the converted performance information to a requesting party as one or more data files having a format compatible with software operated by the requesting party (see column 10 from line 20, HTML is format compatible with software (a browser) operated by the requesting party).

Claim 31

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 32

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claim 39

Claim 39 substantially recites system of claim 33, repeating the process carried out by the system of claim 33 for a *second business*; that is, the *obtaining, converting,*

aggregating and *analyzing* of performance information is performed on performance information in performance classifications converted from a *third* set of performance classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 33 as above, including performing the obtaining, converting, aggregating, and analyzing for a *second business* (see at least column 2 from line 10 "Consolidation" and "Integration"); however Lewis does not *expressly* teach the converting of performance classifications a second business in a *third format*, converting the performance information to a standard format (the *second* format of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade finance, etc. to consolidate financial information of other businesses at a commercial lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking information from different branches, departments, countries, and *customers* (customer financial information constitutes performance information from a *second* business potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from

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which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 40

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 41

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted performance information is inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 55 and 57-63 recite substantially a system for automating the methods of claims 1, 3-10, 12, 13, 15-25, and 37-32, are similarly rejected for reasons given above for the respective claim and claim limitations.

Claim 100 recites substantially the method of claim 1, and is similarly rejected for reasons given above, and further that Lewis teaches model "visualization" (see Figure 1 Item 145) and including producing historical queries and reports across a historical period" (column 21 from line 63).

Claim 102 recites a method substantially identical to claim 10, i.e. performing the method of claim 1 by obtaining data over the Internet (via a website), and is similarly rejected for reasons given above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Goeckel et al (US Pat. Pub. 2005/0038721) teaches automated methods for integrated financial accounting, including converting balance sheet information of utilities to standardized ledger and sub-ledger transactions to match financial reporting requirements for regulatory needs.

Horton (US Pat. Pub. 2006/0259524) teaches automated methods for receiving financial information in a format compliant with the Security Exchange Commission (SEC) Edgar, reporting and consolidation system, a system long known to have receive, consolidate, aggregate, and report on financial accounting information, including trial balances, from multiple companies. Edgar is an online internet-based system.

Sribhibhadh et al (US Pat. Pub. 2003/0216979) teaches software means for maintaining and converting accounting information ledger information, including a conversion map, mapping ledger formats from one set of formats to another.

Wagner et al (US Pat. Pub. 2002/0087441) teaches automated methods for allocating of financial transactions into ledger accounts according to a mapping (an allocation policy) for transaction-based account designations (performance classifications).

Chollon et al (US Pat. 7,197,480) teaches automated methods of mapping commodity-based transactions codes to general ledger accounting for automatically recording transactions into the correct accounts according to the chart-of-accounts of a business.

Gould et al (US Pat. 5,966,700) teaches automated methods of receiving electronic data files from multiple businesses, the information concerning mortgage securities for analyses of loan portfolios by mortgage originators and purchasers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is 571-272-8220. The examiner can normally be reached on 8:15am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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